

BEFORE THE GUAM CIVIL SERVICE COMMISSION BOARD OF COMMISSIONERS



IN THE MATTER OF:

CLARICE PEREDO,

Employees,

vs.

DECISION AND
ORDER

GUAM BEHAVIORIAL HEALTH & WELLNESS
CENTER,

Management.

This matter came on to be heard before the Civil Service Commission (CSC) the 25th day of April 2019. Present for the hearing were Employee, Clarice Peredo, appearing with her representative, Robert Koss, and also present, were Donna Lawrence Assistant Attorney General, and Theresa Arriola, representing Guam Behavioral and Health and Wellness Center.

Attorney Lawrence argued that the grievance should be dismissed because the Employee's complaint involves pay, not the conditions of employment. Commissioner Gayle pointed out that Personnel Rules and Regulatios, Section 12.1 provides:

"A grievance is any question or complaint filed by a permanent employee alleging that there has been a misinterpretation, misapplication or violation of personnel statue, rule, regulation or written policy which directly affect the employee..."

DECISION AND ORDER

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Clarice Peredo vs. Guam Behavioral Health & Wellness Center Grievance Appeal Case No.: 18-GRE04

PO- BUT

Employee here complains that Management violated 4 GCA, §2108 and the Personnel Rules and Regulations, §4.502 (A) which requires that she be hired back at not less than the same salary she earned at her former position.

Mr. Koss did not file a brief in opposition to Management's motion but stated he believed the issue was resolved against Employee because of the Superior Court's decision in Juanita Aguon vs. Department of Corrections which involved a similar set of facts.

The Commissioners voted 3 to 2 in favor of Management's Motion to Dismiss, lacking four (4) affirmative votes, Management's Motion to Dismiss failed.

Attorney Lawrence then moved to void the Decision and Order signed on October 25, 2018 (with respect to a vote taken on July 3, 2018) for failure to comply with the Open Government Law. After a discussion, the Commission voted 5 to 0 that the Commission did not violate the Open Government Law, and therefore the Motion to Void Decision is denied.

DECISION AND ORDER

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Clarice Peredo vs. Guam Behavioral Health & Wellness Center

Grievance Appeal Case No.: 18-GRE04

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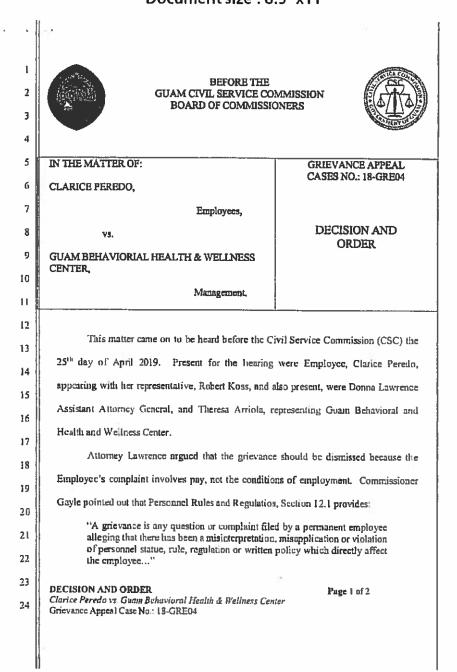
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CIVIL SERVICE COMMISSION

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Abbreviations:

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Susan Corbin <susan.corbin@csc.guam.gov>

Civil Service Commission Judgments

1 message

Susan Corbin <susan.corbin@csc.guam.gov>

Fri, Jul 19, 2019 at 10:54 AM

To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

Hafa Adai Senator Shelton: Please find attached judgments executed by the Civil Service Commission in its meeting of July 18, 2019. This is mandated under 4 GCA, Section 4403. Thank you.

Si Yu'os Ma'āsé Susan Corbin Legal Secretary Civil Service Commission

Tel: 647-1855

Civil Service Commission Judgments-July-18-2019.pdf 329K